

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION



|  |   |                           |
|--|---|---------------------------|
| UNITED STATES OF AMERICA,                  | ) |                           |
|  | ) |                           |
| Plaintiff,                                 | ) |                           |
|  | ) |                           |
| FRANK J. KELLEY, Attorney General          | ) |                           |
| for the State of Michigan, FRANK           | ) | Civil No. 80-73699        |
| J. KELLEY, <u>ex rel.</u> MICHIGAN NATURAL | ) |                           |
| RESOURCES COMMISSION, MICHIGAN             | ) |                           |
| WATER RESOURCES COMMISSION and             | ) | HONORABLE BARBARA HACKETT |
| RONALD SKOOG, Director of the              | ) |                           |
| Michigan Department of Natural             | ) |                           |
| Resources,                                 | ) |                           |
|  | ) |                           |
| Intervenor-Plaintiffs,                     | ) |                           |
|  | ) |                           |
| v.   | ) |                           |
|  | ) |                           |
| BASF WYANDOTTE CORPORATION,                | ) |                           |
|  | ) |                           |
| Defendant.                                 | ) |                           |

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STIPULATION AND ORDER

In light of plaintiffs' joint motion to amend the Consent Decree entered in July 1984, the parties stipulate and the Court orders that:

1. Monitor Wells Nos. 4S, 8, and 10, which were reinstalled by BASF in September 1987, shall be treated as if they were installed in compliance with Section V.B.1 of the 1984 Consent Decree and as if they were in place as of July 1, 1985. Any further action regarding Wells Nos. 4S, 8, and 10 shall be in accordance with the 1984 Consent Decree;

2. Within twenty days of entry of the stipulation and order, BASF shall pay in total the sum of \$40,000, apportioned as follows:

\$30,000 to the United States; and

\$10,000 to the State of Michigan;

These sums shall be paid by certified checks, the first one made payable to the Treasury of the United States and mailed to U.S. EPA Region V, and the second one made payable to the Attorney General of the State of Michigan and mailed to the Environmental Protection Division, Department of the Attorney General;

3. BASF, including its parents and subsidiaries, will not use any of these sums as deductions or adjustments against its federal, state, local, or other tax liabilities;

4. BASF does not admit any violation or non-conformance with the terms of the 1984 Consent Decree;


5. The stipulation and order resolves the U.S. Motion for Civil Contempt, and that motion is dismissed with prejudice and without costs; and

6. Nothing in the stipulation and order affects any matter at the Riverview site beyond Monitor Wells Nos. 4S, 8, and 10, except that the United States and the State of Michigan agree, as of the date the parties entered into this stipulation:

(i) that all monitor wells that should be installed at the Riverview Site have been installed at the Site,  
(ii) that those wells have been installed properly, and  
(iii) that, accordingly, all the parties to this stipulation intend that it will resolve all alleged violations of the Consent Decree by BASF with respect to installation of the monitor wells called for in the Consent Decree.

The parties stipulate to the form and content of this document.

For BASF Wyandotte (now known as BASF Corporation-Chemicals):

  
William C. Potter, Jr.  
Houghton, Potter, Sweeney & Brenner  
330 Guardian Building  
Detroit, Michigan 48226

For the State of Michigan:

Honorable Frank J. Kelley  
Attorney General  
State of Michigan

Stewart Freeman  
Assistant Attorney General  
In Charge

Kathleen L. Cavanaugh

Kathleen Cavanaugh  
Assistant Attorney General  
525 West Ottawa  
720 Law Building, Seventh Floor  
Lansing, Michigan 48913

For the United States of America:

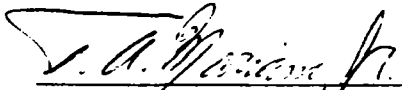
Roger J. Marzulla

Roger J. Marzulla  
Assistant Attorney General  
Land and Natural Resources Division  
United States Department of Justice

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United States Attorney  
Eastern District of Michigan

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Thomas A. Mariani, Jr.  
U.S. Department of Justice  
Environmental Enforcement Section  
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Washington, D.C. 20044  
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Helen Keplinger  
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Connie Puchalski  
Office of Regional Counsel  
United States Environmental  
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**BARBARA K. HACKETT**

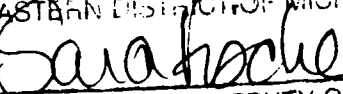
SO ORDERED: \_\_\_\_\_

BARBARA HACKETT  
United States District Judge

(Date: JUN 09 1988 )

**A TRUE COPY**  
CLERK OF DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

BY



DEPUTY CLERK



U.S. Department of Justice

United States Attorney  
Eastern District of Michigan

(313) 237-4778

June 7, 1988

Federal Building and United States Courthouse  
231 W. Lafayette, Eighth Floor  
Detroit, Michigan 48226

William C. Potter, Jr.  
Houghton, Potter, Sweeney & Brenner  
3300 Guardian Building  
Detroit, MI 48226

United States, et al. v. BASF Wyandotte Corporation  
Re: Civil No. 80-73699 (E.D. Mich.)

Dear Mr. Potter:

Enclosed please find the following in reference to the above-captioned action:

|  |  |
|--|--|
| <input type="checkbox"/> Answer to Complaint       | <input type="checkbox"/> Motion _____                                  |
| <input type="checkbox"/> Answer to Interrogatories | _____  |
| <input type="checkbox"/> Answer to Motion          | <input type="checkbox"/> Notice of _____                               |
| <input type="checkbox"/> Appearance                | _____  |
| <input type="checkbox"/> Brief for Appellee        | <input type="checkbox"/> Objection to _____                            |
| <input type="checkbox"/> Brief in Support          | _____  |
| <input type="checkbox"/> Certificate of Service    | <input type="checkbox"/> Order _____                                   |
| <input type="checkbox"/> Complaint and Summons     | _____  |
| <input type="checkbox"/> Interrogatories           | <input type="checkbox"/> Request for Production of Documents           |
| <input type="checkbox"/> Joint Appendix            | <input type="checkbox"/> Request for Notices                           |
| <input type="checkbox"/> Judgment/Final Order      | <input type="checkbox"/> Response to _____                             |
| <input type="checkbox"/> Memorandum and Opinion    | _____  |
| <input type="checkbox"/> Brief for Appellant       | <input checked="" type="checkbox"/> OTHER <u>Stipulation and Order</u> |

Very truly yours,

ROY C. HAYES

United States Attorney

*Geneva S. Halliday*  
GENEVA S. HALLIDAY  
Assistant U.S. Attorney

GH : pw

Enclosure

cc: (w/encl. to:)

Connie Puchalski  
Kathleen Cavanaugh  
Helen Keplinger  
Thomas A. Mariani, Jr.  
Thomas Hays